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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 1:23-cv-09482-JPO  
NICHOLAS WIDMER, LINDSEY ROOT, and SOPHIA  
FITZSIMONDS, in their individual capacities and on  
behalf of all others similarly situated,

Plaintiffs,

- against -

SCALE FACILITATION®, DAVID A. COLLARD,  
VANESSA GERONIMO, MICHAEL WINN, AND  
JACKIE NOLLER,

Defendants.

-----X

**DEFENDANTS SCALE FACILITATION AND VANESSA GERONIMO'S NOTICE OF  
MOTION TO DISMISS PLAINTIFFS' CLASS AND COLLECTIVE ACTION  
COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(5)**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the declarations of David Collard dated December 21, 2023 and Vanessa Geronimo dated December 21, 2023, and upon all the pleadings previously filed and proceedings held, Defendants Scale Facilitation and Vanessa Geronimo will move this Court, pursuant to Fed. R. Civ. P. 12(b)(5) before the Honorable J. Paul Oetken at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, Courtroom 14A, New York, New York 10007, at a date and time to be determined by the Court, for an Order dismissing the claim set forth against

defendants Scale Facilitation and Vanessa Geronimo in Plaintiff's Original Complaint pursuant to Fed. R. Civ. P. 12(b)(5) and for such other relief as the Court deems just and proper.

December 22, 2023

Respectfully submitted,

/s/ Mark A. Robertson

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*Pro-Hac Vice Application Forthcoming*

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**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, this pleading was served on opposing counsel on December 22, 2023.

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